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II

99TH CONGRESS
1ST SESSION

S. 1901

To amend the Foreign Missions Act regarding the treatment of certain Communist countries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 5 (legislative day, DECEMBER 2), 1985

Mr. ROTH (for himself, Mr. NUNN, and Mr. COHEN) introduced the following bill;
which was read twice and referred to the Committee on Foreign Relations

A BILL

To amend the Foreign Missions Act regarding the treatment of certain Communist countries, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) the Foreign Missions Act is amended by adding at
4 the end thereof the following new section:

5 “APPLICATION TO CERTAIN COMMUNIST COUNTRIES

6 “SEC. 214. (a) Notwithstanding any other provision of
7 this title, the Secretary shall apply to each foreign mission in
8 the United States of the German Democratic Republic, Hun-
9 gary, Czechoslovakia, Poland, Bulgaria, Rumania, and Cuba
10 the same terms, limitations, restrictions, and conditions

1 which are applied under this title to the foreign mission in the
2 United States of the Soviet Union unless the Secretary deter-
3 mines and so reports to the Select Committee on Intelligence
4 of the Senate and the Permanent Select Committee on Intel-
5 ligence of the House of Representatives that national security
6 and foreign policy circumstances require that this section be
7 waived in specific circumstances with respect to such coun-
8 try.

9 “(b) The Secretary shall prepare and transmit to the
10 Select Committee on Intelligence of the Senate and the Per-
11 manent Select Committee on Intelligence of the House of
12 Representatives a report describing—

13 “(1) not later than thirty days after the date of
14 the enactment of this section, the plans of the Secre-
15 tary for implementing this section; and

16 “(2) not later than six months thereafter, the ac-
17 tions taken pursuant to these plans.”.

18 (b) Section 202(a)(4) of the Foreign Missions Act is
19 amended—

20 (1) in the text above clause (A), by inserting “,
21 including Government activities involving international
22 trade,” after “governmental activities”; and

23 (2) in clause (A), by inserting “or any instrumen-
24 tality thereof” after “foreign government”.

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99TH CONGRESS
1ST SESSION

S. 1900

To amend the Foreign Agents Registration Act of 1938 by providing for the five-year suspension of exemptions provided to an agent of a foreign principal convicted of espionage offenses.

IN THE SENATE OF THE UNITED STATES

DECEMBER 5 (legislative day, DECEMBER 2), 1985

Mr. ROTH (for himself, Mr. NUNN, and Mr. COHEN) introduced the following bill;
which was read twice and referred to the Committee on Foreign Relations


A BILL

To amend the Foreign Agents Registration Act of 1938 by providing for the five-year suspension of exemptions provided to an agent of a foreign principal convicted of espionage offenses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 3 of the Foreign Agents Registration Act of
4 1938 (22 U.S.C. 613) is amended by inserting at the end
5 thereof the following:

6 “The exemption provided by subsections (d) and (e) to
7 an agent of a foreign principal shall not apply to such agents
8 which represent foreign principals of the following nations:

1 Union of Soviet Socialist Republics, German Democratic Re-
2 public, Hungary, Czechoslovakia, Poland, Bulgaria, Ruma-
3 nia, and Cuba, unless the Attorney General, in consultation
4 with the Secretary of State, determines and so reports to the
5 Select Committee on Intelligence of the Senate and the Per-
6 manent Select Committee on Intelligence of the House of
7 Representatives that national security and foreign policy cir-
8 cumstances require that this section be waived in specific cir-
9 cumstances with respect to such country. In all other cases,
10 the exemption provided by subsections (d) and (e) to an agent
11 of a foreign principal shall be suspended for that agent and
12 such agent's employer, if such employer would otherwise be
13 exempted, for a period of five years from the date of convic-
14 tion or the date of a plea of nolo contendere by such agent of a
15 foreign principal for an offense under sections 792-799, 831,
16 or 2381 of title 18, United States Code, or the Export Ad-
17 ministration Act of 1979 (Public Law 96-72; 50 U.S.C.
18 App. 2401 et seq.).”.



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99TH CONGRESS
1ST SESSION

S. 1947

To enhance the protection of United States interests under the Foreign Missions Act.

IN THE SENATE OF THE UNITED STATES

DECEMBER 13 (legislative day, DECEMBER 9), 1985

Mr. DURENBERGER (for himself and Mr. LEAHY) introduced the following bill;
which was read twice and referred to the Committee on Foreign Relations

A BILL

To enhance the protection of United States interests under the Foreign Missions Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 202(a)(4) of the State Department Basic Au-
4 thorities Act of 1956 (22 U.S.C. 4302(a)(4)) is amended to
5 read as follows:

6 “(4) ‘foreign mission’ means any mission to or
7 agency or entity in the United States which is involved
8 in the diplomatic, consular, or other activities of, or
9 which is substantially owned or effectively controlled
10 by—

★(Star Print)

1 “(A) a foreign government, or
2 “(B) an organization (other than an interna-
3 tional organization, as defined in section 209(b) of
4 this title) representing a territory or political
5 entity which has been granted diplomatic or other
6 official privileges and immunities under the laws
7 of the United States or which engages in some
8 aspect of the conduct of the international affairs of
9 such territory or political entity,
10 including any real property of such a mission and in-
11 cluding the personnel of such a mission;”.

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99TH CONGRESS
1ST SESSION

S. 1815

To prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce.

IN THE SENATE OF THE UNITED STATES

OCTOBER 31 (legislative day, OCTOBER 28), 1985

Mr. HATCH (for himself and **Mr. KENNEDY**) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Polygraph Protection Act
4 of 1985".

PURPOSE

6 SEC. 2. (a) PURPOSE.—It is the purpose of this Act to
7 prevent the denial of employment opportunities based on the
8 use of lie detectors designed to detect deception or verify the
9 truth of statements.

1 (b) CONSTRUCTION.—This Act shall be construed to
2 prohibit the use of all such lie detectors on any employee,
3 agent, prospective employee, and prospective agent.

4 PROHIBITION ON LIE DETECTOR USE

5 SEC. 3. No employer or any other person engaged in or
6 affecting interstate commerce, nor any agent or representa-
7 tive thereof—

8 (1) may directly or indirectly require, request,
9 suggest, permit or cause any employee, agent, prospec-
10 tive employee, or prospective agent to take or submit
11 to any lie detector test or examination for any purpose;

12 (2) may use, accept, or refer to the results of any
13 lie detector test or examination of any employee,
14 agent, prospective employee, or prospective agent for
15 any purpose; or

16 (3) may—

17 (A) discharge, dismiss, discipline in any
18 manner, or deny employment or promotion to; or

19 (B) threaten to discharge, dismiss, discipline,
20 or deny employment or promotion to,

21 any employee, agent, prospective employee, or pro-
22 spective agent who refuses, declines, or fails to take or
23 submit to any lie detector test or examination.

1 NOTICE OF PROTECTION

2 SEC. 4. (a) NOTICE OF PROTECTION.—The Secretary
3 of Labor shall prepare and have printed a notice setting forth
4 information necessary to carry out the purpose of this Act.

5 (b) POSTING REQUIRED.—The notice required by this
6 section shall be posted at all times in conspicuous places upon
7 the premises of every employer engaged in any business in or
8 affecting interstate commerce.

9 RULES AND REGULATIONS

10 SEC. 5. In accordance with the provisions of subchapter
11 II of chapter 5 of title 5, United States Code, the Secretary
12 of Labor shall issue such rules and regulations as may be
13 necessary or appropriate to carry out this Act.

14 AUTHORITY OF THE SECRETARY OF LABOR

15 SEC. 6. The Secretary of Labor shall—

16 (1) make such delegations, appoint such agents
17 and employees, and pay for such technical assistance
18 on a fee for service basis, as the Secretary deems nec-
19 essary to assist in carrying out the functions prescribed
20 by this Act;

21 (2) cooperate with regional, State, local, and other
22 agencies, and cooperate with and furnish technical as-
23 sistance to employers, labor organizations, and employ-
24 ment agencies to aid in carrying out the purpose of this
25 Act; and

1 (3) make investigations and require the keeping of
2 records necessary or appropriate for the administration
3 of this Act in accordance with the powers and proce-
4 dures provided in sections 9 and 11 of the Fair Labor
5 Standards Act of 1938 (29 U.S.C. 209 and 211).

6 **ENFORCEMENT PROVISIONS**

7 **SEC. 7.** The provisions of this Act shall be enforced in
8 accordance with the powers, remedies, and procedures pro-
9 vided in sections 11(b), 16, and 17 of the Fair Labor Stand-
10 ards Act of 1938 (29 U.S.C. 211(b), 216, and 217). Amounts
11 owing to a person as a result of a violation of this Act shall
12 be deemed to be unpaid minimum wages or unpaid overtime
13 compensation for purposes of sections 16 and 17 of the Fair
14 Labor Standards Act of 1938 (29 U.S.C. 216 and 217).

15 **EXEMPTIONS**

16 **SEC. 8.** The provisions of this Act shall not apply with
17 respect to—

18 (1) any individual who is employed by the United
19 States Government, a State government, city, or any
20 political subdivision of a State or city; or

21 (2) personnel of contractors of the Department of
22 Defense with access to classified information.

23 Personnel described in clause (2) may be subject to the poly-
24 graph program authorized in the Department of Defense Au-
25 thorization Act, 1986.

1 DEFINITIONS

2 SEC. 9. As used in this Act—

3 (1) the term “person” means any natural person,
4 firm, association, partnership, corporation, or any em-
5 ployee or agent thereof;

6 (2) the term “lie detector” includes but is not lim-
7 ited to any polygraph, deceptograph, voice stress ana-
8 lyzer, psychological stress evaluator, or any other simi-
9 lar device (whether mechanical, electrical, or chemical)
10 which is used, or the results of which are used, for the
11 purpose of detecting deception or verifying the truth of
12 statements; and

13 (3) the term “employer” includes an employment
14 agency.

15 EFFECTIVE DATE

16 SEC. 10. The provisions of this Act shall take effect on
17 the date of enactment of this Act, except that the provisions
18 of section 4 shall take effect six months after the date of
19 enactment of this Act.

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